

EXHIBIT 2

From: Suellentrop, Nicholas
Sent: Monday, March 3, 2025 10:11 PM
To: Steven Daroci; Josh Wackerly; Interlicchio, Lori; Joanne Cicala; Johan Conrod; Trey Watkins; Tanya Ellis; Lawrence Deas; William Liston III; Matthew McDonald; bbogle@levinlaw.com; Tal J Lifshitz; David Buchanan; Benjamin Widlanski; Mark Pifko; Anello; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork; Jon Neumann; Matthew Gately; Kelly Rinehart; Robert L. Salim; Insulin CVS Discovery Group; Ryan McEwan; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us); Lisa Causey-Streete; John Alden Meade; Nikki Guntner; Donald A. Ecklund
Cc: Podoll, A. Joshua; Hazelwood, Benjamin; Dockery, Daniel; Poteat III, R. Kennon; Gazikas, Alexander; Interlicchio, Lori
Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS
Attachments: Hit Counts (Plaintiffs 2.28.25 Terms).pdf; Formatted Terms.pdf

Counsel,

Pursuant to your February 28 request for hit counts, CVS provides the attached report, which includes the data you requested regarding Plaintiffs' revised search term proposal. Certain modifications were made to the terms in order to run them properly through the database. We have attached those modifications here. Further, certain of Plaintiffs' search string are too long to run together. They were thus broken up as illustrated in the attached. As you will see, Plaintiffs' proposal still hits on over 3.3 million documents with families for only the first 15 custodians listed in CVS's February 28, 2025 letter to the Court (ECF No. 437), not the broader set of 21 custodians that we proposed to the Court, which is obviously not acceptable.

Regards,
Nick

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From: Steven Daroci <SDaroci@SeegerWeiss.com>
Sent: Friday, February 28, 2025 4:34 PM
To: Suellentrop, Nicholas <nsuellentrop@wc.com>; Josh Wackerly <josh@cicalapllc.com>; Interlicchio, Lori <LInterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; bbogle@levinlaw.com; Tal J Lifshitz <tjl@kttl.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttl.com>; Mark Pifko <MPifko@baronbudd.com>; Anello <vanello@douglasandlondon.com>; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <skeeter@salim-beasley.com>; Insulin CVS Discovery Group <insulincvdiscoverygroup@dandl-law.com>; Ryan McEwan <Ryan.McEwan@doj.ca.gov>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>; Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade <jam@meadeyoung.com>; Nikki Guntner <NGuntner@awkolaw.com>; Donald A. Ecklund

<DEcklund@carellabyrne.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel <DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Gazikas, Alexander <agazikas@wc.com>; Interlicchio, Lori <LInterlicchio@wc.com>

Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Nick:

We appreciate the productive meet and confer yesterday afternoon and your providing CVS's reasoning for rejecting various terms proposed by Plaintiffs. Please find attached a revised search-term proposal, which results from significant efforts by Plaintiffs to advance negotiations on search terms.

While we understand that CVS has internally run "high-level" hit reports on some subset of data, Plaintiffs have not been provided with those reports. Accordingly, to productively continue negotiations, we ask that, in addition to considering our proposal, you please provide hit reports showing the following data:

1. Hits + Family: the number of documents that hit on the search term, including their family members
2. Unique Hits: the number of documents that hit on the search term but do not have hits for any other terms
3. Totals for each category above
 - Total documents containing hits
 - Total documents containing hits, including family members
 - Total unique documents with hits

When you transmit these hit reports, please confirm the following:

1. Please run the final list by your vendor to edit asterisks, parentheses, capitalization, etc. and let us know if any revisions were made.
2. Please confirm how misspellings are accounted for, including whether fuzzy searching is being used to find variants of the search terms and what fuzziness level is being used.
3. Please confirm whether the search strings were run as "aggregated" sets or as individual terms broken out.
4. Please provide a description of the corpus of documents against which the hit reports were run.
 - E.g., Total volume, custodians, sources, date range, whether deduplicated prior to being run, and whether email thread suppressed prior to being run.

In addition, we have attached a revised custodian proposal. This proposal is updated to show the custodians that CVS has agreed to provide and redlines reflecting changes to Plaintiffs' additional proposed custodians. Please let us know if CVS agrees to this proposal, in whole or in part. As you'll see, we agreed to remove certain custodians in the spirit of compromise and in hopes of reaching a compromise (other than with respect to government relations/PR custodians). We also understand that CVS is willing to provide custodians related to its basis for asserting federal officer removal jurisdiction and its FEHBA preemption defense. Plaintiffs have agreed with you to meet and confer regarding appropriate custodians and search terms related to those subjects.

We realize it's now later in the afternoon, but if the parties are unable to reach agreement today, Plaintiffs plan to submit their custodian proposal from February 19, 2025.

In either event, Plaintiffs, of course, reserve their right to request additional custodians (including those who have been removed from earlier proposals) as discovery continues.

Please let us know if you'd like to discuss.

Thanks,
Steve

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From: Suellentrop, Nicholas <nsuellentrop@wc.com>

Date: Friday, February 28, 2025 at 12:01 PM

To: Steven Daroci <SDaroci@SeegerWeiss.com>, Josh Wackerly <josh@cicalapllc.com>, Interlicchio, Lori <LInterlicchio@wc.com>, Joanne Cicala <joanne@cicalapllc.com>, Johan Conrod <johan@cicalapllc.com>, Trey Watkins <Trey.Watkins@formanwatkins.com>, Tanya Ellis <Tanya.Ellis@formanwatkins.com>, Lawrence Deas <Lawrence@listondeas.com>, William Liston III <William@listondeas.com>, Matthew McDonald <MattM@davidnutt.com>, bbogle@levinlaw.com <bbogle@levinlaw.com>, Tal J Lifshitz <tjl@kttlaw.com>, David Buchanan <DBuchanan@seegerweiss.com>, Benjamin Widlanski <bwidlanski@kttlaw.com>, Mark Pifko <MPifko@baronbudd.com>, Anello <vanello@douglasandlondon.com>, cmiller@awkolaw.com <cmiller@awkolaw.com>, myeates@ktmc.com <myeates@ktmc.com>, Erich Schork <erichschork@robertslawfirm.us>, Jon Neumann <jneumann@ktmc.com>, Matthew Gately <MFG@njlawfirm.com>, Kelly Rinehart <kellyrinehart@robertslawfirm.us>, Robert L. Salim <skeeter@salim-beasley.com>, Insulin CVS Discovery Group <insulincvsdiscoverygroup@dandl-law.com>, Ryan McEwan <Ryan.McEwan@doj.ca.gov>, Karen Sharp Halbert - Roberts Law Firm, P.A. (<karenhalbert@robertslawfirm.us> <karenhalbert@robertslawfirm.us>), Lisa Causey-Streete <lcausey@salim-beasley.com>, John Alden Meade <jam@meadeyoung.com>

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Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Steve and Josh,

Can you let me know when we can expect a custodian counterproposal from Plaintiffs? Based on our conferral yesterday, we had hoped for one by this morning.

Regards,
Nick

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From: Steven Daroci <SDaroci@SeegerWeiss.com>

Sent: Thursday, February 27, 2025 10:39 AM

To: Suellentrop, Nicholas <nsuellentrop@wc.com>; Josh Wackerly <josh@cicalapllc.com>; Interlicchio, Lori <LInterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins

<Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; bbogle@levinlaw.com; Tal J Lifshitz <tjl@kttlaw.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttlaw.com>; Mark Pifko <MPifko@baronbudd.com>; Anello <vanello@douglasandlondon.com>; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <skeeter@salim-beasley.com>; Insulin CVS Discovery Group <insulincvscopygroup@dandl-law.com>; Ryan McEwan <Ryan.McEwan@doj.ca.gov>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>; Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade <jam@meadeyoung.com>
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Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Nick,

Thank you for your February 24, 2025 counterproposal on search terms and custodians. To productively move negotiations forward, we ask that CVS be prepared to discuss this afternoon the grounds on which CVS has rejected the custodians and search terms we proposed. As you know, in our February 19, 2025 email and during our meet-and-confer, we requested that CVS either provide edits to all categories of documents or substantiate and articulate your objections, if any, including any bases for not producing responsive documents. We will of course consider additional modifications to address CVS's concerns if you provide sufficient information.

In addition, please respond to the remainder of the questions we asked via email on February 19, 2025, either via email or during our meet-and-confer:

1. Please confirm which Relativity version CVS intends to use for search, including applicable terms and connectors, whether those platforms support regular expressions, and how they account for misspellings (e.g., "fuzzy" searching). Confirmation of the Relativity version you are using will help clarify the appropriate use of parentheses, asterisks, capitalization of "OR," etc.
2. These terms are intended for use if CVS will not rely on any form of TAR. Please confirm that CVS does not intend to implement TAR with respect to document populations narrowed by search terms. Additionally, if CVS intends to rely on TAR, please be prepared to describe precisely how the methodology would be used so that we have reasonable transparency consistent with Judge Singh's direction during the last conference. While we appreciate your position as expressed during the previous conference, we reiterate that due consideration to the requirements of the Federal Rules is required and reiterate that the production of documents culled using search terms and then subjected to TAR (or vice versa) is unacceptable to us.

Finally, please respond to Plaintiffs' email below and let us know what would be entailed in providing the available data fields for CVS's Manufacturer Rebate Data, Claims Data, and Client Rebate Data.

Thanks,
Steve

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From: Suellentrop, Nicholas <nsuellentrop@wc.com>

Date: Tuesday, February 25, 2025 at 6:38 PM

To: Steven Daroci <SDaroci@SeegerWeiss.com>, Josh Wackerly <josh@cicalapllc.com>, Interlicchio, Lori <LInterlicchio@wc.com>, Joanne Cicala <joanne@cicalapllc.com>, Johan Conrod <johan@cicalapllc.com>, Trey Watkins <Trey.Watkins@formanwatkins.com>, Tanya Ellis <Tanya.Ellis@formanwatkins.com>, Lawrence Deas <Lawrence@listondeas.com>, William Liston III <William@listondeas.com>, Matthew McDonald <MattM@davidnutt.com>, bbogle@levinlaw.com <bbogle@levinlaw.com>, Tal J Lifshitz <tjl@kttlaw.com>, David Buchanan <DBuchanan@seegerweiss.com>, Benjamin Widlanski <bwidlanski@kttlaw.com>, Mark Pifko <MPifko@baronbudd.com>, Anello <vanello@douglasandlondon.com>, cmiller@awkolaw.com <cmiller@awkolaw.com>, myeates@ktmc.com <myeates@ktmc.com>, Erich Schork <erichschork@robertslawfirm.us>, Jon Neumann <jneumann@ktmc.com>, Matthew Gately <MFG@njlawfirm.com>, Kelly Rinehart <kellyrinehart@robertslawfirm.us>, Robert L. Salim <skeeter@salim-beasley.com>, Insulin CVS Discovery Group <insulincvdiscoverygroup@dandl-law.com>, Ryan McEwan <Ryan.McEwan@doj.ca.gov>, Karen Sharp Halbert - Roberts Law Firm, P.A. (<karenhalbert@robertslawfirm.us> <karenhalbert@robertslawfirm.us>), Lisa Causey-Streete <lcausey@salim-beasley.com>, John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>, Hazelwood, Benjamin <BHazelwood@wc.com>, Dockery, Daniel <DDockery@wc.com>, Poteat III, R. Kennon <kpoteat@wc.com>, Gazikas, Alexander <agazikas@wc.com>, Interlicchio, Lori <LInterlicchio@wc.com>

Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Hi Steve,

We're available between 1-2 pm ET on Thursday. If that works on your end, would you mind circulating a link? Thanks.

Regards,
Nick

Nicholas Suellentrop

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From: Steven Daroci <SDaroci@SeegerWeiss.com>

Sent: Tuesday, February 25, 2025 3:42 PM

To: Suellentrop, Nicholas <nsuellentrop@wc.com>; Josh Wackerly <josh@cicalapllc.com>; Interlicchio, Lori <LInterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; bbogle@levinlaw.com; Tal J Lifshitz <tjl@kttlaw.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttlaw.com>; Mark Pifko <MPifko@baronbudd.com>; Anello <vanello@douglasandlondon.com>; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <[5](mailto:skeeter@salim-</p></div><div data-bbox=)

beasley.com>; Insulin CVS Discovery Group <insulincvsdiscoverygroup@dandl-law.com>; Ryan McEwan <Ryan.McEwan@doj.ca.gov>; Karen Sharp Halbert - Roberts Law Firm, P.A. (<karenhalbert@robertslawfirm.us> <karenhalbert@robertslawfirm.us>); Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel <DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Gazikas, Alexander <agazikas@wc.com>; Interlicchio, Lori <LInterlicchio@wc.com>

Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Nick,

We are in receipt of your correspondence. Is CVS available to continue the parties' conferral, either tomorrow at 3 p.m. or 4 p.m., or on Thursday after 11 a.m.?

Thanks,

Steve

STEVEN J. DAROCI
Attorney at Law
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From: Suellentrop, Nicholas <nsuellentrop@wc.com>

Date: Monday, February 24, 2025 at 9:12 PM

To: Josh Wackerly <josh@cicalapllc.com>, Steven Daroci <SDaroci@SeegerWeiss.com>, Interlicchio, Lori <LInterlicchio@wc.com>, Joanne Cicala <joanne@cicalapllc.com>, Johan Conrod <johan@cicalapllc.com>, Trey Watkins <Trey.Watkins@formanwatkins.com>, Tanya Ellis <Tanya.Ellis@formanwatkins.com>, Lawrence Deas <Lawrence@listondeas.com>, William Liston III <William@listondeas.com>, Matthew McDonald <MattM@davidnutt.com>, bbogle@levinlaw.com <bbogle@levinlaw.com>, Tal J Lifshitz <tjl@kttl.com>, David Buchanan <DBuchanan@seegerweiss.com>, Benjamin Widlanski <bwidlanski@kttl.com>, Mark Pifko <MPifko@baronbudd.com>, Anello <vanello@douglasandlondon.com>, cmiller@awkolaw.com <cmiller@awkolaw.com>, myeates@ktmc.com <myeates@ktmc.com>, Erich Schork <erichschork@robertslawfirm.us>, Jon Neumann <jneumann@ktmc.com>, Matthew Gately <MFG@njlawfirm.com>, Kelly Rinehart <kellyrinehart@robertslawfirm.us>, Robert L. Salim <skeeter@salim-beasley.com>, Insulin CVS Discovery Group <insulincvsdiscoverygroup@dandl-law.com>, Ryan McEwan <Ryan.McEwan@doj.ca.gov>, Karen Sharp Halbert - Roberts Law Firm, P.A. (<karenhalbert@robertslawfirm.us> <karenhalbert@robertslawfirm.us>); Lisa Causey-Streete <lcausey@salim-beasley.com>, John Alden Meade <jam@meadeyoung.com>

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Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Counsel,

Please see the attached correspondence.

Regards,
Nick

Nicholas Suellentrop

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From: Josh Wackerly <josh@cicalapllc.com>

Sent: Saturday, February 22, 2025 2:42 PM

To: Suellentrop, Nicholas <nsuellentrop@wc.com>; Steven Daroci <SDaroci@SeegerWeiss.com>; Interlicchio, Lori <LInterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; bbogle@levinlaw.com; Tal J Lifshitz <tjl@kttl.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttl.com>; Mark Pifko <MPifko@baronbudd.com>; Anello <vanello@douglasandlondon.com>; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <skeeter@salim-beasley.com>; Insulin CVS Discovery Group <insulincvscopygroup@dandl-law.com>; Ryan McEwan <Ryan.McEwan@doj.ca.gov>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>; Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade <jam@meadeyoung.com>

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Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Nicholas,

Thank you for the productive meet and confer yesterday. Please find below additional information on why we want the certain custodians you identified on the call. We look forward to your response to our custodian and search term proposals on Monday.

Vijay Chandrasekaran – was involved in the strategic planning of CVS's exclusionary formulary strategy in 2011/2012. Appears to have prominent role in rebate/formulary consulting for large, custom clients.

Josh Fredell - Heavily involved in key FRC decisions and messaging around CVS's strategy when lower WAC insulins were being introduced to the market in 2018-2020.

James Dixon - Ran the department that compiled and distributed financial reports, rebate/formulary analysis, APC reports, and rebate invoices. None of the other offered custodians cover this department. See, eg. CVS-MDLINS-000363249 (and attachment). James Dixon is also one of only two individuals identified by CVS with knowledge of Manufacturer Payment invoicing (along with Rob Verosky).

Lauren Meyer – part of the clinical assumptions committee, engaged in rebate analysis/modeling of various scenarios related to formulary choices.

Regards,

Josh Wackerly



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From: Suellentrop, Nicholas <nsuellentrop@wc.com>

Date: Thursday, February 20, 2025 at 12:50 PM

To: Josh Wackerly <josh@cicalapllc.com>, Steven Daroci <SDaroci@SeegerWeiss.com>, Interlicchio, Lori <LInterlicchio@wc.com>, Joanne Cicala <joanne@cicalapllc.com>, Johan Conrod <johan@cicalapllc.com>, Trey Watkins <Trey.Watkins@formanwatkins.com>, Tanya Ellis <Tanya.Ellis@formanwatkins.com>, Lawrence Deas <Lawrence@listondeas.com>, William Liston III <William@listondeas.com>, Matthew McDonald <MattM@davidnutt.com>, bbogle@levinlaw.com <bbogle@levinlaw.com>, Tal J Lifshitz <tjl@kttlaws.com>, David Buchanan <DBuchanan@seegerweiss.com>, Benjamin Widlanski <bwidlanski@kttlaws.com>, Mark Pifko <MPifko@baronbudd.com>, Anello <vanello@douglasandlondon.com>, cmiller@awkolaw.com <cmiller@awkolaw.com>, myeates@ktmc.com <myeates@ktmc.com>, Erich Schork <erichschork@robertslawfirm.us>, Jon Neumann <jneumann@ktmc.com>, Matthew Gately <MFG@njlawfirm.com>, Kelly Rinehart <kellyrinehart@robertslawfirm.us>, Robert L. Salim <skeeter@salim-beasley.com>, Insulin CVS Discovery Group <insulincvsdiscoverygroup@dandl-law.com>, Ryan McEwan <Ryan.McEwan@doj.ca.gov>, Karen Sharp Halbert - Roberts Law Firm, P.A. (<karenhalbert@robertslawfirm.us> <karenhalbert@robertslawfirm.us>), Lisa Causey-Streete <lcausey@salim-beasley.com>, John Alden Meade <jam@meadeyoung.com>

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Josh,

Thank you. We are available to confer tomorrow between 3-4 ET (2-3 CT). Would you mind circulating a link?

Regards,
Nick

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From: Josh Wackerly <josh@cicalapllc.com>

Sent: Wednesday, February 19, 2025 11:32 PM

To: Suellentrop, Nicholas <nsuellentrop@wc.com>; Steven Daroci <SDaroci@SeegerWeiss.com>; Interlicchio, Lori <Linterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; bbogle@levinlaw.com; Tal J Lifshitz <tjl@kttl.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttl.com>; Mark Pifko <MPifko@baronbudd.com>; Anello <vanello@douglasandlondon.com>; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <skeeter@salim-beasley.com>; Insulin CVS Discovery Group <insulincvdiscoverygroup@dandl-law.com>; Ryan McEwan <Ryan.McEwan@doj.ca.gov>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>; Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel <DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Gazikas, Alexander <agazikas@wc.com>; Interlicchio, Lori <Linterlicchio@wc.com>

Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Nicholas,

Please find attached Plaintiffs' custodian and search term counterproposals. We would like to discuss these on Friday (2/21). Plaintiffs are available to meet and confer between 1pm-3pmCT. Let us know if that works and we will send an invite.

With respect to the search term counterproposal, Plaintiffs' additions from CVS's last proposal are in **red**. In addition:

- There were several search strings that Plaintiffs originally proposed but CVS made no attempt to address in your proposal (e.g., pull-through, diabetic harm, etc.). In your next turn of edits and/or during our met and confer, please either provide edits to those categories of documents or articulate what objections, if any, you have to them.
- Please confirm which platforms CVS are intending to use for search, including applicable terms and connectors, whether those platforms support regular expressions, and how they account for misspellings (e.g. "fuzzy" searching). Our final terms will need to take these into account.
- Plaintiffs reserve the right to expand or modify these search terms when we can compare them against hit reports and/or a more complete production.
- These terms are intended for use if TAR is not being subsequently applied. Please confirm that Defendants do not intend to apply TAR to document populations narrowed by search terms.

Regards,

Josh Wackerly



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direct: 512.275.6564

mobile: 206.446.8720

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cicalapllc.com

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From: Suellentrop, Nicholas <nsuellentrop@wc.com>

Date: Wednesday, February 19, 2025 at 11:05 AM

To: Steven Daroci <SDaroci@SeegerWeiss.com>, Josh Wackerly <josh@cicalapllc.com>, Interlicchio, Lori <LInterlicchio@wc.com>, Joanne Cicala <joanne@cicalapllc.com>, Johan Conrod <johan@cicalapllc.com>, Trey Watkins <Trey.Watkins@formanwatkins.com>, Tanya Ellis <Tanya.Ellis@formanwatkins.com>, Lawrence Deas <Lawrence@listondeas.com>, William Liston III <William@listondeas.com>, Matthew McDonald <MattM@davidnutt.com>, bbogle@levinlaw.com <bbogle@levinlaw.com>, Tal J Lifshitz <tjl@kttlaws.com>, David Buchanan <DBuchanan@seegerweiss.com>, Benjamin Widlanski <bwidlanski@kttlaws.com>, Mark Pifko <MPifko@baronbudd.com>, Anello <vanello@douglasandlondon.com>, cmiller@awkolaw.com <cmiller@awkolaw.com>, myeates@ktmc.com <myeates@ktmc.com>, Erich Schork <erichschork@robertslawfirm.us>, Jon Neumann <jneumann@ktmc.com>, Matthew Gately <MFG@njlawfirm.com>, Kelly Rinehart <kellyrinehart@robertslawfirm.us>, Robert L. Salim <skeeter@salim-beasley.com>, Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>, Lisa Causey-Streete <lcausey@salim-beasley.com>, John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>, Hazelwood, Benjamin <BHazelwood@wc.com>, Dockery, Daniel <DDockery@wc.com>, Poteat III, R. Kennon <kpoteat@wc.com>, Gazikas, Alexander <agazikas@wc.com>, Interlicchio, Lori <LInterlicchio@wc.com>

Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Steve,

We had expected to receive Plaintiffs' custodian and search term counterproposals yesterday. Please provide those today, and please provide times to meet and confer on Friday, February 21, so that we may have adequate time to assess them before conferring. Thank you.

Regards,
Nick

Nicholas Suellentrop

Associate | Williams & Connolly LLP

680 Maine Avenue, S.W., Washington, DC 20024

202-434-5592 | nsuellentrop@wc.com | www.wc.com

From: Suellentrop, Nicholas <nsuellentrop@wc.com>

Sent: Tuesday, February 18, 2025 9:25 AM

To: Steven Daroci <SDaroci@SeegerWeiss.com>; Josh Wackerly <josh@cicalapllc.com>; Interlicchio, Lori <LInterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; bbogle@levinlaw.com; Tal J Lifshitz <tjl@kttlaws.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttlaws.com>; Mark Pifko <MPifko@baronbudd.com>; Anello <vanello@douglasandlondon.com>; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <skeeter@salim-beasley.com>

beasley.com>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us)
<karenhalbert@robertslawfirm.us>; Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade
<jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel
<DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Gazikas, Alexander <agazikas@wc.com>; Interlicchio,
Lori <LInterlicchio@wc.com>

Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Steve,

I write in response to your February 13 email.

Custodians. With respect to the information CVS agreed to provide that was not already provided during our February 7 meet and confer, we have provided that information at the end of this email. As to custodial sources, CVS reiterates its January 17 statement that to the extent it offers an individual as a custodian, CVS will identify the sources it will search for that custodian. CVS will review your narrowed list of custodian requests when it is made available.

Non-Custodial Sources. With respect to your first question, CVS does not agree to functionally waive all of its objections and allow discovery-on-discovery for objectionable requests, particularly without any conferral regarding those requests. To the extent Plaintiffs want to confer on a request-by-request basis, CVS will do so. We continue to consider your second question, which was raised for the first time on Thursday afternoon.

Data. Plaintiffs are incorrect that the ESI Protocol requires the parties to “provide all available data fields for databases containing responsive data or information.” The ESI Protocol explicitly states that “the Parties will *reasonably cooperate* in the exchange of information concerning such databases to facilitate discussions on productions and production format, including available data fields/objects and schema.” CMO 10 at 19. CVS stands ready to reasonably cooperate regarding available data fields that Plaintiffs may request, in compliance with the ESI protocol. CVS has already identified 68 data fields across multiple systems that we understand to be responsive. To the extent Plaintiffs believe that those data fields are insufficient, CVS has offered to work with you in good faith to determine what if any additional fields of data may exist to cover any asserted gaps. But CVS is under no obligation to provide “all available data fields” as a starting point, nor would doing so be practical. The structured data in question resides in relational databases consisting of hundreds of tables which each can contain hundreds of fields, many of which are irrelevant. We again encourage you to review the proposed data fields we offered and let us know if you think there are elements of information that you consider responsive that you do not believe to be covered by our existing proposal.

We are available to meet and confer at 10:00 am ET or 3:00 pm ET on Thursday, February 20.

Regards,
Nick

Commercial Insulin Category Captains

2012-15: Patti Doruff
2016-2017: Joe Anderson
2017: Joe Anderson and Wil Rossman
2018-2021: Wil Rossman
2021: Wil Rossman & Norm Rivera
2022: Norm Rivera

Note – We understand that there was not a formal “category captain” before 2012.

Primary Negotiators

Novo Negotiator

2011-2015: Patti Doruff
2016-17: Joe Anderson
2017-2018: Joe Anderson & Will Rossman
2019-2021: William Rossman
2022: Norm Rivera

Sanofi Negotiator

2011: Kevin Wessels
2012-2013: Kevin Wessels and Rich Mercure
2014-2017: Kevin Wessels
2018-2019: Tyler Haertzen & Kevin Wessels
2020-2021: Tyler Haertzen
2022: Norm Rivera

Lilly Negotiator

2011: Jim Cichowski
2012: Jim Cichowski & Patti Doruff
2013-2015: Patti Doruff
2016-2017: Joe Anderson
2018: Joe Anderson & William Rossman
2019-2020: William Rossman
2021: William Rossman
2022: Norm Rivera

Medicare Negotiator

2012-2017: Michael Schneider (reporting to Dan Best)
2018: Dan Best
2019-2022: Keith Pearson

Nicholas Suellentrop**Associate | Williams & Connolly LLP**

680 Maine Avenue, S.W., Washington, DC 20024

202-434-5592 | nsuellentrop@wc.com | www.wc.com

From: Steven Daroci <SDaroci@SeegerWeiss.com>

Sent: Thursday, February 13, 2025 1:46 PM

To: Suellentrop, Nicholas <nsuellentrop@wc.com>; Josh Wackerly <josh@cicalapllc.com>; Interlicchio, Lori <Linterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; bbogle@levinlaw.com; Tal J Lifshitz <tjl@kttlaw.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttlaw.com>; Mark Pifko <MPifko@baronbudd.com>; Anello <vanello@douglasandlondon.com>; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately

<MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <skeeter@salim-beasley.com>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>; Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel <DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Gazikas, Alexander <agazikas@wc.com>; Interlicchio, Lori <LInterlicchio@wc.com>

Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Nick,

I write to follow up on the email correspondence below and our call last Friday to discuss the exchange of additional information the parties' continued discussions on data sources, search terms, and data.

Custodians: As we left off on Friday, Plaintiffs are working to identify a narrowed list of individuals/relevant roles that Plaintiffs seek as custodians. We will provide that in advance of the parties' next call.

It is also our understanding that CVS will be providing the information requested in Josh Wackerly's January 31, 2025 email below regarding the 15 custodians that CVS has already proposed. In addition, we reiterate our earlier requests for CVS to identify the non-custodial sources that it proposes to search for each custodian (e.g., email, Microsoft Teams chats, local computer files, online repositories, Slack or other communication or instant-messaging programs used by the custodians, etc.). Please confirm that CVS will be providing the requested information.

Search Terms: Plaintiffs are working to respond to CVS's search-term proposal from February 4, 2025.

Non-Custodial Sources: Plaintiffs are considering CVS's proposal on non-custodial data sources and have two follow-up questions. Please confirm at your earliest convenience and prior to the parties' next conferral.

1. During our call on Friday, we posed the question whether CVS was identifying all non-custodial sources that contained responsive information or whether CVS was withholding the identification of certain non-custodial sources on the basis of its objections to Plaintiffs' Master RPDs. I also posed a hypothetical question (based on RPD #15) as to whether CVS would be identifying non-custodial sources that exclusively contained information that CVS objected to producing—i.e., if there was a non-custodial source that contained documents considered, cited, referenced, used, or relied on during or in preparation for investor presentations, whether CVS would identify this source given its objection to producing information “exclusively in response” to RPD #15. It's our understanding that CVS would not be withholding the identification of non-custodial sources containing non-responsive on the basis of its RPD objections, but CVS was going to confirm with respect to that hypothetical question we posed.
2. For the documents/ESI contained in the non-custodial sources CVS has identified, is CVS planning to pull all those documents into the review corpus or, on the other hand, to run search terms against those sources and only review documents or data that hit on those terms?

Data: During last Friday's call, CVS advised that it wanted to review the ESI Order's language regarding the required disclosure of available data fields. It's Plaintiffs' position that the ESI Order requires producing parties to provide all available data fields for databases containing responsive data or information so that the parties can confer as to the appropriate data fields for production. Please confirm whether CVS will be providing all available data fields for the databases it has identified.

Finally, Plaintiffs propose exchanging the information referenced above by Tuesday, February 18, 2025, and conferring on Thursday, February 20, 2025, and, to the extent necessary, on February 24, 2025. Please let us know if this timing works for CVS.

Thanks again,
Steve

STEVEN J. DAROCI
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sdaroci@seegerweiss.com

From: Suellentrop, Nicholas <nsuellentrop@wc.com>

Date: Tuesday, February 4, 2025 at 4:10 PM

To: Josh Wackerly <josh@cicalapllc.com>, Steven Daroci <SDaroci@SeegerWeiss.com>, Interlicchio, Lori <LInterlicchio@wc.com>, Joanne Cicala <joanne@cicalapllc.com>, Johan Conrod <johan@cicalapllc.com>, Trey Watkins <Trey.Watkins@formanwatkins.com>, Tanya Ellis <Tanya.Ellis@formanwatkins.com>, Lawrence Deas <Lawrence@listondeas.com>, William Liston III <William@listondeas.com>, Matthew McDonald <MattM@davidnutt.com>, bbogle@levinlaw.com <bbogle@levinlaw.com>, Tal J Lifshitz <tjl@kttlaws.com>, David Buchanan <DBuchanan@seegerweiss.com>, Benjamin Widlanski <bwidlanski@kttlaws.com>, Mark Pifko <MPifko@baronbudd.com>, Anello <vanello@douglasandlondon.com>, cmiller@awkolaw.com <cmiller@awkolaw.com>, myeates@ktmc.com <myeates@ktmc.com>, Erich Schork <erichschork@robertslawfirm.us>, Jon Neumann <jneumann@ktmc.com>, Matthew Gately <MFG@njlawfirm.com>, Kelly Rinehart <kellyrinehart@robertslawfirm.us>, Robert L. Salim <skeeter@salim-beasley.com>, Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>, Lisa Causey-Streete <lcausey@salim-beasley.com>, John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>, Hazelwood, Benjamin <BHazelwood@wc.com>, Dockery, Daniel <DDockery@wc.com>, Poteat III, R. Kennon <kpoteat@wc.com>, Gazikas, Alexander <agazikas@wc.com>, Interlicchio, Lori <LInterlicchio@wc.com>

Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Josh,

Thank you for your email. We are evaluating your request for additional information regarding our custodians, but cannot agree to provide it on your unilaterally imposed timeline.

We are available for a meet and confer this week on Friday, February 7, at 12:00-1:00 pm ET.

Further, please see the attached correspondence.

Regards,
Nick

Nicholas Suellentrop
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From: Josh Wackerly <josh@cicalapllc.com>

Sent: Friday, January 31, 2025 4:09 PM

To: Suellentrop, Nicholas <nsuellentrop@wc.com>; Steven Daroci <SDaroci@SeegerWeiss.com>; Interlicchio, Lori <Linterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; bbogle@levinlaw.com; Tal J Lifshitz <tjl@kttlaw.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttlaw.com>; Mark Pifko <MPifko@baronbudd.com>; Anello <vanello@douglasandlondon.com>; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <skeeter@salim-beasley.com>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>; Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel <DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Gazikas, Alexander <agazikas@wc.com>; Interlicchio, Lori <Linterlicchio@wc.com>

Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Nicholas — Thank you for providing Plaintiffs with additional non-custodial source information. Plaintiffs are evaluating this list and will get back to you. In addition, Plaintiffs would like to meet and confer next week. Please provide a few time slots when your team is available.

Prior to next week's meet and confer, Plaintiffs will provide a more detailed email laying out the subjects we would like to discuss. However, in the interim we request that you provide additional information to evaluate the sufficiency of your current custodian proposal. For each custodian you have proposed that works in the Trade Relations department please provide: (1) which Manufacturer Defendant (Lilly, Sanofi, Novo) they worked with, (2) for which years, and (3) their role on that Manufacturer Defendant team. In addition, please identify every proposed custodian who is a member of the FRC and provide: (1) the years in which they were members; (2) if they were voting members or not; (3) and their role on the committee. Please provide this information prior to our meet and confer so that we can discuss.

We look forward to talking again next week.

Regards,

Josh Wackerly



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From: Suellentrop, Nicholas <nsuellentrop@wc.com>

Date: Tuesday, January 28, 2025 at 7:03 PM

To: Steven Daroci <SDaroci@SeegerWeiss.com>, Josh Wackerly <josh@cicalapllc.com>, Interlicchio, Lori <LInterlicchio@wc.com>, Joanne Cicala <joanne@cicalapllc.com>, Johan Conrod <johan@cicalapllc.com>, Trey Watkins <Trey.Watkins@formanwatkins.com>, Tanya Ellis <Tanya.Ellis@formanwatkins.com>, Lawrence Deas <Lawrence@listondeas.com>, William Liston III <William@listondeas.com>, Matthew McDonald <MattM@davidnutt.com>, bbogle@levinlaw.com <bbogle@levinlaw.com>, Tal J Lifshitz <tjl@kttl.com>, David Buchanan <DBuchanan@seegerweiss.com>, Benjamin Widlanski <bwidlanski@kttl.com>, Mark Pifko <MPifko@baronbudd.com>, Anello <vanello@douglasandlondon.com>, cmiller@awkolaw.com <cmiller@awkolaw.com>, myeates@ktmc.com <myeates@ktmc.com>, Erich Schork <erichschork@robertslawfirm.us>, Jon Neumann <jneumann@ktmc.com>, Matthew Gately <MFG@njlawfirm.com>, Kelly Rinehart <kellyrinehart@robertslawfirm.us>, Robert L. Salim <skeeter@salim-beasley.com>, Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>, Lisa Causey-Streete <lcausey@salim-beasley.com>, John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>, Hazelwood, Benjamin <BHazelwood@wc.com>, Dockery, Daniel <DDockery@wc.com>, Poteat III, R. Kennon <kpoteat@wc.com>, Gazikas, Alexander <agazikas@wc.com>, Interlicchio, Lori <LInterlicchio@wc.com>

Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Steve,

Pursuant to my January 17 email, CVS Caremark identifies below the non-custodial sources likely to contain responsive information for the non-custodial documents it has agreed or will agree to produce. CVS Caremark reserves the right to amend and supplement this list, including upon further conferral of the parties. With respect to your January 25 email asking whether CVS Caremark “will be identifying all non-custodial data sources likely to contain responsive information or whether it will be withholding certain of those sources on the basis of its RFP objections,” CVS Caremark reiterates that it is identifying the non-custodial sources likely to contain responsive information for the non-custodial documents it has agreed or will agree to produce, including the documents CVS Caremark offered to produce in its Responses and Objections and in subsequent negotiations over “hard pulls.” CVS Caremark is not withholding the identification of specific non-custodial sources, but while Plaintiffs have had CVS Caremark’s Responses and Objections to Plaintiffs’ Requests for Production for two months, we have discussed only a fraction of these Requests with any specificity. To the extent, in further negotiations, CVS Caremark agrees to produce a category of documents it has not agreed to produce to date, it will identify the source of those documents. Indeed, this process was raised during our prior meet and confers, without objection by Plaintiffs. We look forward to meeting and conferring further regarding non-custodial sources.

Policy and Procedure Portal [Policies and Procedures]

Trade Group Share Drive -- Manufacturer Contract Repositories [Manufacturer Rebate Contracts]

Legal Share Drive -- Client Contract Repositories [Client Contracts]

Formulary Communications Center Sharepoint Site [Template Formularies]

FRC Share Drive [FRC Committee Minutes & FRC Charter Documents]

P&T Formulary Share Drive [P&T Committee Minutes]

Automatic Invoice Output System [Manufacturer Invoices]

Qvidian [Template RFP Responses]

Enterprise Data Warehouse System [Claims Data]

Rebate Payment System [Client Rebate Data]

TRBI and DGX Data Systems [Manufacturer Rebate Data]

Regards,
Nick

Nicholas Suellentrop

Associate | Williams & Connolly LLP

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From: Steven Daroci <SDaroci@SeegerWeiss.com>

Sent: Friday, January 24, 2025 1:46 PM

To: Suellentrop, Nicholas <nsuellentrop@wc.com>; Josh Wackerly <josh@cicalapllc.com>; Interlicchio, Lori <Linterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; bbogle@levinlaw.com; Tal J Lifshitz <tjl@kttl.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttl.com>; Mark Pifko <MPifko@baronbudd.com>; Anello <vanello@douglasandlondon.com>; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <skeeter@salim-beasley.com>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>; Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel <DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Gazikas, Alexander <agazikas@wc.com>

Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Nick,

Unless you have specific questions for us on data sources or search terms, we think it makes sense to postpone this afternoon's scheduled call until such time as CVS has: (1) identified non-custodial sources, (2) responded to Plaintiffs' list of custodians/identified additional custodians, and (3) responded to Plaintiffs' search-term counterproposal. Having that information will make for a more profitable meet-and-confer. We understand CVS is attempting to identify non-custodial sources by Monday. Will CVS be able to respond as to items (2) and (3) by then as well? We would appreciate CVS's responses on these topics by early next week so we can continue to advance this process.

Additionally, with respect to CVS's agreement in your Jan. 17 email "to identify non-custodial sources likely to contain responsive information for the non-custodial documents *it has agreed or will agree to produce*," please let us know whether CVS will be identifying all non-custodial data sources likely to contain responsive information or whether it will be withholding certain of those sources on the basis of its RFP objections.

Lastly, thank you for sending over the correspondence regarding data. We will consider this and respond shortly. Section VIII of the ESI Protocol, however, requires the producing party to identify "available data fields/objects and schema." Absent this information, Plaintiffs are left to guess at the data fields CVS is able provide. Please identify all "available data fields" for CVS's Manufacturer Rebate Data and Claims Data so that the parties may discuss the most appropriate fields for production.

Please let us know when you can about this afternoon's call.

Thanks again,
Steve

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From: Suellentrop, Nicholas <nsuellentrop@wc.com>**Date:** Thursday, January 23, 2025 at 4:46 PM**To:** Steven Daroci <SDaroci@SeegerWeiss.com>, Josh Wackerly <josh@cicalapllc.com>, Interlicchio, Lori <LInterlicchio@wc.com>, Joanne Cicala <joanne@cicalapllc.com>, Johan Conrod <johan@cicalapllc.com>, Trey Watkins <Trey.Watkins@formanwatkins.com>, Tanya Ellis <Tanya.Ellis@formanwatkins.com>, Lawrence Deas <Lawrence@listondeas.com>, William Liston III <William@listondeas.com>, Matthew McDonald <MattM@davidnutt.com>, bbogle@levinlaw.com <bbogle@levinlaw.com>, Tal J Lifshitz <tjl@kttl.com>, David Buchanan <DBuchanan@seegerweiss.com>, Benjamin Widlanski <bwidlanski@kttl.com>, Mark Pifko <MPifko@baronbudd.com>, Anello <vanello@douglasandlondon.com>, cmiller@awkolaw.com <cmiller@awkolaw.com>, myeates@ktmc.com <myeates@ktmc.com>, Erich Schork <erichschork@robertslawfirm.us>, Jon Neumann <jneumann@ktmc.com>, Matthew Gately <MFG@njlawfirm.com>, Kelly Rinehart <kellyrinehart@robertslawfirm.us>, Robert L. Salim <skeeter@salim-beasley.com>, Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>, Lisa Causey-Streete <lcausey@salim-beasley.com>, John Alden Meade <jam@meadeyoung.com>**Cc:** Podoll, A. Joshua <APodoll@wc.com>, Hazelwood, Benjamin <BHazelwood@wc.com>, Dockery, Daniel <DDockery@wc.com>, Poteat III, R. Kennon <kpoteat@wc.com>, Gazikas, Alexander <agazikas@wc.com>**Subject:** RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Steve,

Further to our previous meet and confers, please see the attached correspondence regarding data.

Regards,
Nick**Nicholas Suellentrop****Associate | Williams & Connolly LLP**

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From: Steven Daroci <SDaroci@SeegerWeiss.com>**Sent:** Wednesday, January 22, 2025 5:29 PM**To:** Suellentrop, Nicholas <nsuellentrop@wc.com>; Josh Wackerly <josh@cicalapllc.com>; Interlicchio, Lori <LInterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; bbogle@levinlaw.com; Tal J Lifshitz <tjl@kttl.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttl.com>; Mark Pifko <MPifko@baronbudd.com>; Anello <vanello@douglasandlondon.com>; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <skeeter@salim-beasley.com>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>; Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel <DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Gazikas, Alexander <agazikas@wc.com>

Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Thanks, Nick. Do you have availability for a call on Friday after 2:30 p.m.?

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From: Suellentrop, Nicholas <nsuellentrop@wc.com>

Sent: Friday, January 17, 2025 6:32 PM

To: Steven Daroci <SDaroci@SeegerWeiss.com>; Josh Wackerly <josh@cicalapllc.com>; Interlicchio, Lori <Linterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; bbogle@levinlaw.com; Tal J Lifshitz <tjl@kttlaw.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttlaw.com>; Mark Pifko <MPifko@baronbudd.com>; Anello <vanello@douglasandlondon.com>; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <skeeter@salim-beasley.com>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>; Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel <DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Gazikas, Alexander <agazikas@wc.com>

Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Counsel,

I write in response to your January 16 email.

CVS agrees to identify non-custodial sources likely to contain responsive information for the non-custodial documents it has agreed or will agree to produce. CVS is endeavoring to provide this information to Plaintiffs by January 27, 2025.

As to custodians, CVS is reviewing Plaintiffs' list of nearly ninety names. To the extent that CVS identifies any additional employee or former employee that it understands to have non-duplicative, responsive information proportional to the needs of this case, CVS will identify that person to Plaintiffs. And to the extent that CVS agrees to offer an individual as a custodian, CVS will identify the sources it will search for that custodian.

Thank you for your search term counter-proposal to our December 13 proposal. We are reviewing this proposal, but cannot agree to revert to Plaintiffs by your arbitrary timeline.

With respect to CMO13 deadlines, it has become abundantly clear that Plaintiffs never planned to seek discovery that could reasonably be completed within 90 days of service of Plaintiffs' requests for production, and it is therefore completely unclear to CVS why Plaintiffs ever proposed such rapid deadlines. Nevertheless, in an effort to avoid burdening

the Court at this time, CVS is willing to negotiate additional custodians with Plaintiffs, with the understanding that production of documents for any additional custodians cannot be substantially completed within the deadlines set forth in CMO13. CVS looks forward to negotiating with Plaintiffs regarding the reasonable scope of discovery in this matter such that the parties can jointly seek an appropriate extension of the deadlines that Plaintiffs demanded.

With respect to data fields, we plan to provide you additional information next week.

CVS further responds to Plaintiffs' "hard-pull" requests as below.

- P&T and FRC formulary committee documents (RFP 10):
 - Charters (RFP 2);
 - CVS maintains its objections to RFPs 2 & 10. Subject to and without waiving those objections, CVS agrees to search for and produce the charters for its P&T and FRC committees, to the extent that they exist.
 - Meeting agendas (RFP 10);
 - CVS maintains its objections to RFP 10. Subject to and without waiving those objections, CVS expects to produce these documents via custodial productions, including the custodial productions of Aydin Sekili and Lora Armstrong.
 - Meeting minutes, summaries, and any other documents memorializing formulary committee decisions and/or reasons behind decisions (RFP 10);
 - CVS maintains its objections to RFP 10. Subject to and notwithstanding those objections, CVS states that it has already produced many of these documents. *See, e.g.*, Volumes CM_INS_DP001 & DP002. To the extent that these volumes do not cover the entire Relevant Time period, CVS will produce meeting minutes for its FRC and P&T committees for the remainder of the time period.
 - Any documents provided to and/or relied upon by CVS's formulary committees in making decisions (including but not limited to clinical information, drug monographs, Exclusionary Review Summaries/Breakdowns/Decks, Trade Reviews, Modeling, Exclusion Modeling) (RFP 10);
 - CVS maintains its objections to RFP 10. Subject to and without waiving those objections, CVS states that these documents are not "hard pulls."
- PhRMA presentations, agendas, and meeting materials (RFP 7).
 - CVS maintains its objections to RFP 7. In particular, CVS emphasizes that it is not a member of PhRMA. Subject to and without waiving those objections, CVS states that these documents are not "hard pulls."

We are not available to meet and confer on Tuesday, January 21. Please provide times that you are available to meet and confer on Thursday, January 23, or Friday, January 24.

Regards,
Nick

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From: Steven Daroci <SDaroci@SeegerWeiss.com>

Sent: Thursday, January 16, 2025 11:20 AM

To: Suellentrop, Nicholas <nsuellentrop@wc.com>; Josh Wackerly <josh@cicalapllc.com>; Interlicchio, Lori <Linterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald

<MattM@davidnutt.com>; bbogle@levinlaw.com; Tal J Lifshitz <tjl@kttl.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttl.com>; Mark Pifko <MPifko@baronbudd.com>; Anello <vanello@douglasandlondon.com>; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <skeeter@salim-beasley.com>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>; Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade <jam@meadeyoung.com>
Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel <DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Gazikas, Alexander <agazikas@wc.com>
Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Counsel,

We write to follow up on our December 31, 2024 email and to respond to your subsequent January 8, 2025 email.

As an initial matter, thank you for providing additional information regarding CVS's seven proposed custodians. Nevertheless, we understand from your January 8 email and our conferral on January 10, 2025, that CVS is unwilling to expand its list of proposed custodians absent an extension of the Court's 90-day deadline for substantial completion. Additionally, despite having received Plaintiffs' First Set of Master Discovery Requests in late October, CVS has refused to identify any individuals with responsive information beyond its seven proposed custodians and has similarly rejected Plaintiffs' repeated requests for disclosures of custodial and non-custodial data sources (including databases) likely to contain responsive information. (The Declaration of Jennifer Paradis, to which you referred Plaintiffs during our last conferral, is unhelpful, as it merely makes general reference to various types of custodial and non-custodial sources that exist—e.g., "OneDrive" or "SharePoint," but does not specifically identify CVS data sources with responsive information—e.g., "Trade Relations group SharePoint," or disclose which of these sources are being collected and searched by CVS). Given this, the parties have necessarily reached an impasse on these matters, as Plaintiffs maintain that CVS's custodian proposal is deficient and that its refusal to identify data sources likely to contain responsive information is non-compliant with the ESI Protocol. Please confirm by the end of this week whether (i) CVS will identify custodians, custodial sources, and non-custodial sources likely to contain responsive information so that the parties may confer as to the most appropriate sources for collection and review, and (ii) CVS is willing to expand its current list of seven custodians.

To advance this process in the event CVS reverses course as to its position on custodians, we have attached a list of CVS individuals that we have reason to believe are likely to possess responsive information, along with a brief explanation of why we have selected each individual. Bear in mind that Plaintiffs are in the process of reviewing the personnel charts produced by CVS late last week and may have additions or other revisions (or targeted follow-up questions for CVS) shortly. And, as stated in our December 31 email, the attached list does not include pharmacy-network-facing or client-facing custodians, nor does it include individuals relating to CVS-affiliated pharmacy, parent, or rebate aggregator defendants.

We've also attached Plaintiffs' search-term counterproposal. Please note that we have identified various misspellings of the at-issue drugs in documents that have been produced to date and would like to hear CVS's position as to how the parties can best capture responsive documents containing such misspellings.

Plaintiffs reserve the right to modify these proposals as our investigation and discovery continue.

Finally, we look forward to receiving your data-field proposal in response to RFP 33 this week.

Please provide your availability to meet and confer regarding these items on Tuesday, January 21, 2025. During our next conferral, we would like to walk through any questions or comments CVS has on our custodian list and search-term counterproposal so that we can promptly crystallize these issues in accordance with the guidance we all received from

the Court earlier this week and the Court's Discovery Dispute Protocol (CMO #17) [ECF No. 386]. We also respectfully request that CVS be prepared to identify which, if any, custodians and search terms it will accept and to provide its reasoning for any custodians and search terms it rejects.

We look forward to hearing back from you.

Thanks,
Steve

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From: Suellentrop, Nicholas <nsuellentrop@wc.com>

Date: Wednesday, January 8, 2025 at 9:26 AM

To: Josh Wackerly <josh@cicalaplhc.com>, Interlicchio, Lori <LInterlicchio@wc.com>, Joanne Cicala <joanne@cicalaplhc.com>, Johan Conrod <johan@cicalaplhc.com>, Trey Watkins <Trey.Watkins@formanwatkins.com>, Tanya Ellis <Tanya.Ellis@formanwatkins.com>, Lawrence Deas <Lawrence@listondeas.com>, William Liston III <William@listondeas.com>, Matthew McDonald <MattM@davidnutt.com>, bbogle@levinlaw.com <bbogle@levinlaw.com>, Steven Daroci <SDaroci@SeegerWeiss.com>, Tal J Lifshitz <tjl@kttlaw.com>, David Buchanan <DBuchanan@seegerweiss.com>, Benjamin Widlanski <bwidlanski@kttlaw.com>, Mark Pifko <MPifko@baronbudd.com>, Anello <vanello@douglasandlondon.com>, cmiller@awkolaw.com <cmiller@awkolaw.com>, myeates@ktmc.com <myeates@ktmc.com>, Erich Schork <erichschork@robertslawfirm.us>, Jon Neumann <jneumann@ktmc.com>, Matthew Gately <MFG@njlawfirm.com>, Kelly Rinehart <kellyrinehart@robertslawfirm.us>, Robert L. Salim <skeeter@salim-beasley.com>, Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>, Lisa Causey-Streete <lcausey@salim-beasley.com>, John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>, Hazelwood, Benjamin <BHazelwood@wc.com>, Dockery, Daniel <DDockery@wc.com>, Poteat III, R. Kennon <kpoteat@wc.com>, Gazikas, Alexander <agazikas@wc.com>

Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Counsel:

I write in response to your December 31 email.

First, you mischaracterize our December 23 meet and confer. During that meet and confer, CVS agreed to provide specific information for its proposed custodians, including their positions, titles and the dates during which they held those positions/titles. That information is attached. You did not request the additional information called for below, nor was it listed in your December 16 email. Contrary to your representation below, CVS never agreed to provide such information during our meet and confer.

Second, CVS's position remains (as shared on all of our prior meet-and-confer discussions) that it has proposed custodians and non-custodial documents for production commensurate with the 90-day substantial completion deadline listed in Case Management Order No. 13, which Plaintiffs themselves requested. The scope of discovery currently sought by Plaintiffs—including a New Years' Eve request for over *sixty custodians*—makes clear Plaintiffs apparently had no plans ever to propose discovery that could comply with the deadlines they themselves asked the Court to impose. *See* ECF No. 270-1. We trust Plaintiffs understand that it is not possible to collect, review, and produce custodial files from 60 custodians in less than one month. To be clear, CVS does not agree that the scope of discovery Plaintiffs currently purport to seek is appropriate under any timeline, but it underscores the point CVS has made all along concerning the overbreadth of Plaintiffs' document requests, especially in the context of the very short deadlines Plaintiffs have requested for document discovery. To the extent that Plaintiffs are proposing that the deadlines they requested should be modified, CVS is willing to meet-and-confer about such a proposal.

Third, CVS intends to make an additional production this week. CVS's December 12 production was of custodial files sourced from the seven custodians it has proposed.

Fourth, CVS is endeavoring to provide additional information regarding the data it agreed to produce in its Objections & Responses the week of January 13.

Fifth, on our previous meet and confer, we discussed certain requests that Plaintiffs characterized as "hard-pulls." Although we did not discuss each of these, our responses to certain of these are discussed below.

- All Agreements/contracts with Rebate Aggregators (RFP 8)
 1. CVS maintains its objections to RFP 8, including its objection to the term "Rebate Aggregators." Subject to and without waiving those objections, CVS agrees to produce the Prescription Benefit Rebate Participation Agreement between Zinc Health Services, LLC and CaremarkPCS Health, L.L.C. dated April 1, 2020. We are not aware of any other entities contracted by Caremark to negotiate agreements with manufacturers for rebates or fees on behalf of Caremark or its clients.
- P&T and FRC Policies/Procedures (RFP 2)
 2. CVS maintains its objections to RFP 2. Subject to and without waiving those objections, CVS notes that Plaintiffs agreed to consider providing an illustrative list of policies you expected would be responsive to this RFP (some of which you stated during our first meet and confer). Please provide that list.
- Organizational Charts (RFP 3).
 3. CVS maintains its objections to RFP 3. Subject to and without waiving those objections, and as discussed during our first meet and confer, CVS is not aware of personnel charts that have been regularly updated and maintained through the relevant time period. CVS will produce the personnel charts of which it is aware.
- PCMA Presentations, agendas, and meeting materials (RFP 6).
 4. CVS maintains its objections to RFP 6, but is willing to meet and confer further regarding this request. As we discussed briefly at the end of the call, these documents are not "hard pulls."

We will revert on the remainder of the topics discussed in your letter in due course.

We are available Friday, January 10, from 12-1:00 pm ET, for a further meet and confer.

Regards,
Nick

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From: Josh Wackerly <josh@cicalapllc.com>

Sent: Tuesday, December 31, 2024 9:40 AM

To: Suellentrop, Nicholas <nsuellentrop@wc.com>; Interlicchio, Lori <LInterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; Brandon Bogle <bbogle@levinlaw.com>; Steven Daroci <SDaroci@SeegerWeiss.com>; Tal J Lifshitz <tjl@kttlaw.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttlaw.com>; Mark Pifko <MPifko@baronbudd.com>; vanello@douglasandlondon.com; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Robert L. Salim <skeeter@salim-beasley.com>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>; Lisa Causey-Streete <lcausey@salim-beasley.com>; John Alden Meade <jam@meadeyoung.com>

Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel <DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Gazikas, Alexander <agazikas@wc.com>

Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Counsel,

We write to follow up on our December 23 meet-and-confer.

First, during our December 23 meet-and-confer you agreed to provide additional information with respect to your proposed custodians, including: (1) position and titles; (2) the name of the CVS entities (Caremark Rx, LLC, Caremark LLC, and Caremark PCS Health, LLC) for which each custodian will have responsive/relevant information; (3) the topics/RFP #s for which each custodian will produce responsive information; and (4) the dates for which each custodian will have responsive information. We have yet to receive this information. Please advise when you will provide it.

Second, Plaintiffs also requested that CVS provide the custodial sources (e.g., laptops, desktops, tablets, email mailbox, IM/chats/communication platforms, OneDrive folders, Teams data, Google Drive, etc.) that will be collected for each custodian. In addition, Plaintiffs requested that CVS identify all non-custodial sources (e.g., shared drives/folders/servers, Salesforce, company intranet, etc.) likely to contain responsive information. These disclosures are mandatory under Section V of the ESI Protocol (requiring disclosures of “custodians, custodial data sources, and non-custodial data sources that are likely to contain responsive documents and ESI”). Similarly, for any responsive data contained in a database or other Structured Data or aggregated data source or otherwise maintained by an application, CVS is obligated under Section VIII of the ESI Protocol to provide “information concerning such databases to facilitate discussions on productions and production format, including available data fields/objects and schema.” Please advise when you will provide this information.

Third, based on the limited information that Plaintiffs have received to date from CVS, it appears that your custodian proposal is deficient in several respects. As an initial matter, the ESI Protocol requires the transparent disclosure of all custodians with responsive information—not merely a limited set of custodians that CVS has unilaterally identified as appropriate. Please provide this information or promptly confirm that CVS will not be doing so. This deficiency aside, looking to the seven custodians CVS has proposed, these individuals do not even capture all of the “Area(s) of Relevant Information” identified by CVS in its response to Interrogatory No. 1 (i.e., no custodians with knowledge of Manufacturer Payment Invoicing, only one with knowledge of the P&T Committee, and only two with knowledge of the Formulary Review Committee, etc). Please provide a comprehensive list of all current or former CVS employees likely to possess responsive information so that the parties can meaningfully confer as to appropriate custodians. For example, in addition to the seven custodians CVS has proposed, the attached non-exhaustive list identifies additional CVS employees that Plaintiffs have identified as likely to possess responsive information. Please note that the

attached list does not include CVS's pharmacy-network-facing or client-facing employees. Additional follow-up and conferral is required as to the appropriate custodians to cover these key topics. Please also note that the attached list is limited to employees of Caremark Rx, LLC, Caremark LLC, or Caremark PCS Health, LLC. Once we receive CVS's responses and objections to Plaintiffs' Master Discovery served on CVS's parent, pharmacy, and aggregator entities, we will meet and confer regarding the appropriate custodians for those entities.

Fourth, during our last meet and confer, you maintained that CVS intended to limit the number of custodians based on the deadline to substantially complete document productions. We understand that you are standing on this position. Please confirm. As we have stated previously, Plaintiffs disagree that the Court's substantial-completion deadline in any way reduces CVS's discovery obligations.

Fifth, Plaintiffs requested during our December 23 meet-and-confer that CVS propose data fields to produce in response to Plaintiffs' request in RFP No. 33's for all claims data, UM data, and Manufacturer Payment data related to Diabetes Medications. Plaintiffs also requested that CVS produce a data dictionary or explanation of all the fields included in this proposal. Please advise when you will provide this information.

Sixth, and pursuant to Section V(A) of the ESI Order, please find attached questions regarding CVS's search-term validation processes. Please provide this requested information so that Plaintiffs may meaningfully evaluate CVS's search-term proposal.

Seventh, Plaintiffs request additional information related to CVS's document production that took place on December 20. Please identify the process CVS used to locate these documents (i.e. what were the custodial/non-custodial files searched and what search terms were used).

Last, please confirm the date by which CVS will make its next production as part of its ongoing rolling productions—both non-custodial productions and custodial productions for CVS's seven proposed custodians—while the parties continue to meet and confer on additional custodians and search terms.

We would like to continue meeting and conferring on these issues. Please provide your availability during the afternoon of Thursday, January 9, 2025, or Friday, January 10, 2025.

Plaintiffs reserve all rights.

Regards,

Josh Wackerly



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From: Josh Wackerly <josh@cicalapllc.com>

Date: Monday, December 16, 2024 at 4:17 PM

To: Suellentrop, Nicholas <nsuellentrop@wc.com>, Interlicchio, Lori <Linterlicchio@wc.com>, Joanne Cicala <joanne@cicalapllc.com>, Johan Conrod <johan@cicalapllc.com>, Trey Watkins

<Trey.Watkins@formanwatkins.com>, Tanya Ellis <Tanya.Ellis@formanwatkins.com>, Lawrence Deas <Lawrence@listondeas.com>, William Liston III <William@listondeas.com>, Matthew McDonald <MattM@davidnutt.com>, Brandon Bogle <bbogle@levinlaw.com>, Steven Daroci <SDaroci@SeegerWeiss.com>, Tal J Lifshitz <tjl@kttl.com>, David Buchanan <DBuchanan@seegerweiss.com>, Benjamin Widlanski <bwidlanski@kttl.com>, Mark Pifko <MPifko@baronbudd.com>, vanello@douglasandlondon.com <vanello@douglasandlondon.com>, cmiller@awkolaw.com <cmiller@awkolaw.com>, myeates@ktmc.com <myeates@ktmc.com>, Erich Schork <erichschork@robertslawfirm.us>, Jon Neumann <jneumann@ktmc.com>, Matthew Gately <MFG@njlawfirm.com>, Kelly Rinehart <kellyrinehart@robertslawfirm.us>, Robert L. Salim <skeeter@salim-beasley.com>, Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>, Lisa Causey-Streete <lcausey@salim-beasley.com>, John Alden Meade <jam@meadeyoung.com>
Cc: Podoll, A. Joshua <APodoll@wc.com>, Hazelwood, Benjamin <BHazelwood@wc.com>, Dockery, Daniel <DDockery@wc.com>, Poteat III, R. Kennon <kpoteat@wc.com>, Gazikas, Alexander <agazikas@wc.com>
Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Counsel,

We write in response to your correspondence dated December 13, 2024, providing CVS's proposed custodians and search terms.

We also write to request that CVS (i) produce the discrete categories of "hard-pull" documents listed below and (ii) provide dates of availability to continue the parties' conferral.

Custodians, Data Sources, and Search Terms

Thank you for providing CVS's proposed custodians and search terms. Plaintiffs will provide CVS with their counterproposals shortly. As the parties continue to confer regarding these issues, however, CVS is required to provide substantially more information so that Plaintiffs can meaningfully evaluate and decide on the custodians and data sources from which CVS will collect and produce ESI and documents.

Under Section V of the ESI Protocol, the parties are required to "participate in an iterative and cooperative approach with respect to the identification of relevant custodians and information sources." As part of this process, under Section V.A of the ESI Protocol, CVS is required to "identify and propose to [Plaintiffs] an initial list of search terms, custodians, custodial data sources, and non-custodial data sources that are likely to contain responsive documents and ESI." Similarly, with respect to responsive data contained in a database or other Structured Data or aggregated data source or otherwise maintained by an application, CVS is obligated under Section VIII of the ESI Protocol to provide "information concerning such databases to facilitate discussions on productions and production format, including available data fields/objects and schema."

As you will recall, Judge Singh adopted Plaintiffs' proposal to include the foregoing language and "agree[d] with Plaintiffs that 'an iterative and cooperative approach' as to identification of relevant custodians and information sources will help avoid after-the-fact challenges to the collection and search processes." Order Regarding Disputes Over ESI Protocol [ECF No. 186] at 7.

Although CVS identified (in response to Interrogatory No. 1) sixteen individuals with responsibilities relating to Manufacturer Agreements, GPOs, Manufacturer-Payment invoicing, the Formulary Review Committee, and the P&T Committee, CVS's December 13 2024 correspondence proposes just seven custodians—without providing any description of these custodians' respective roles and responsibilities, titles, or dates of employment during the relevant time period. Beyond just the names of these proposed custodians, CVS is required to disclose all individuals and data sources (custodial data sources, non-custodial data sources, databases, Structured Data or aggregated data sources, or applications) that it has identified as likely to possess responsive information. See ESI Protocol, Section V.A. & Section VIII. Plaintiffs are entitled to complete

disclosure of this information so that the parties can meaningfully confer as to the most appropriate custodians and data sources for collection.

For purposes of identifying individual custodians who likely possess responsive information, Plaintiffs will accept a list identifying each individual likely to possess relevant information and the individuals' job titles, roles and responsibilities, and dates of employment during the relevant time period. For each individual, please also identify the custodial data sources used by that individual to create or store potentially relevant information (e.g., laptops, desktops, tablets, email mailbox, IM/chats/communication platforms, OneDrive folders, Teams data, Google Drive, etc.). For individuals likely to possess responsive information who have **not** been proposed by CVS as custodians (including the nine individuals identified by CVS in its response to Interrogatory No. 1 but not identified as proposed custodians), please let us know whether CVS has any reason to believe that any of these individuals possess any unique or non-duplicative responsive information. If so, please identify such information.

In addition to these custodians and custodial sources, please identify and describe the non-custodial sources (e.g., shared drives/folders/servers, Salesforce, company intranet, etc.) likely to contain responsive information—not merely the general categories of documents that CVS will collect and produce.

Finally, please identify any databases, Structured Data or aggregated data sources, or applications likely to contain responsive information, and provide information sufficient "to facilitate discussions on productions and production format, including available data fields/objects and schema."

Hard-Pull Documents

In addition, as discussed on the last meet-and-confer, while the parties continue to confer regarding custodians, data sources, and search terms, we request that CVS produce the categories of "hard-pull" documents listed below. Please note that this list is not comprehensive and does not satisfy CVS's obligation to search all non-custodial sources that may contain relevant information.

Plaintiffs will follow up with additional categories of hard-pull documents in the coming weeks.

- All agreements/contracts with Rebate Aggregators (RFP 8);
- All agreements/contracts with CVS's affiliated pharmacies (RFP 8)
- P&T and FRC formulary committee documents (RFP 10):
 - Charters (RFP 2);
 - Policy/procedures (RFP 2);
 - Meeting agendas (RFP 10);
 - Meeting minutes, summaries, and any other documents memorializing formulary committee decisions and/or reasons behind decisions (RFP 10);
 - Any documents provided to and/or relied upon by CVS's formulary committees in making decisions (including but not limited to clinical information, drug monographs, Exclusionary Review Summaries/Breakdowns/Decks, Trade Reviews, Modeling, Exclusion Modeling) (RFP 10);
- Organizational Charts (RFP 3);
- PCMA presentations, agendas, and meeting materials (RFP 6); and
- PhRMA presentations, agendas, and meeting materials (RFP 7).

Continued Conferral

Finally, please provide your availability to continue the parties' conferral this week concerning custodians and data sources, search terms, and CVS's responses and objections to Plaintiffs First Set of Master Discovery.

Please also confirm at your earliest convenience that CVS will provide the information and documents requested above. To the extent CVS does not intend to do so, please let us know in advance of the parties' next meet-and-confer.

Plaintiffs reserve all rights.

Regards,

Josh Wackerly



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From: Suellentrop, Nicholas <nsuellentrop@wc.com>

Date: Friday, December 13, 2024 at 2:39 PM

To: Josh Wackerly <josh@cicalapllc.com>, Interlicchio, Lori <LInterlicchio@wc.com>, Joanne Cicala <joanne@cicalapllc.com>, Johan Conrod <johan@cicalapllc.com>, Trey Watkins <Trey.Watkins@formanwatkins.com>, Tanya Ellis <Tanya.Ellis@formanwatkins.com>, Lawrence Deas <Lawrence@listondeas.com>, William Liston III <William@listondeas.com>, Matthew McDonald <MattM@davidnutt.com>, Brandon Bogle <bbogle@levinlaw.com>, Steven Daroci <SDaroci@SeegerWeiss.com>, Tal J Lifshitz <tjl@kttlaw.com>, David Buchanan <DBuchanan@seegerweiss.com>, Benjamin Widlanski <bwidlanski@kttlaw.com>, Mark Pifko <MPifko@baronbudd.com>, vanello@douglasandlondon.com <vanello@douglasandlondon.com>, cmiller@awkolaw.com <cmiller@awkolaw.com>, myeates@ktmc.com <myeates@ktmc.com>, Erich Schork <erichschork@robertslawfirm.us>, Jon Neumann <jneumann@ktmc.com>, Matthew Gately <MFG@njlawfirm.com>, Kelly Rinehart <kellyrinehart@robertslawfirm.us>, Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>

Cc: Podoll, A. Joshua <APodoll@wc.com>, Hazelwood, Benjamin <BHazelwood@wc.com>, Dockery, Daniel <DDockery@wc.com>, Poteat III, R. Kennon <kpoteat@wc.com>, Gazikas, Alexander <agazikas@wc.com>

Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Counsel,

Further to our meet and confer, please see the attached correspondence.

Regards,

Nick

Nicholas Suellentrop

Associate | Williams & Connolly LLP

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202-434-5592 | nsuellentrop@wc.com | www.wc.com

From: Josh Wackerly <josh@cicalapllc.com>

Sent: Wednesday, December 4, 2024 6:12 PM

To: Interlicchio, Lori <Linterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; Brandon Bogle <bbogle@levinlaw.com>; Steven Daroci <SDaroci@SeegerWeiss.com>; Tal J Lifshitz <tjl@kttl.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttl.com>; Mark Pifko <MPifko@baronbudd.com>; vanello@douglasandlondon.com; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>
Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel <DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Suellentrop, Nicholas <nsuellentrop@wc.com>; Gazikas, Alexander <agazikas@wc.com>
Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Apologies, 10amCT/11 amET this Friday (12/6) works.

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From: Josh Wackerly <josh@cicalapllc.com>

Date: Wednesday, December 4, 2024 at 5:10 PM

To: Interlicchio, Lori <Linterlicchio@wc.com>; Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; Brandon Bogle <bbogle@levinlaw.com>; Steven Daroci <SDaroci@SeegerWeiss.com>; Tal J Lifshitz <tjl@kttl.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttl.com>; Mark Pifko <MPifko@baronbudd.com>; vanello@douglasandlondon.com <vanello@douglasandlondon.com>; cmiller@awkolaw.com <cmiller@awkolaw.com>; myeates@ktmc.com <myeates@ktmc.com>; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>

Cc: Podoll, A. Joshua <APodoll@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Dockery, Daniel <DDockery@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Suellentrop, Nicholas <nsuellentrop@wc.com>; Gazikas, Alexander <agazikas@wc.com>

Subject: Re: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Thanks Lori. 10amET/11 amET this Friday (12/6) works for Plaintiffs. Will circulate invite.

Josh Wackerly



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From: Interlicchio, Lori <LInterlicchio@wc.com>

Date: Monday, December 2, 2024 at 4:03 PM

To: Josh Wackerly <josh@cicalapllc.com>, Joanne Cicala <joanne@cicalapllc.com>, Johan Conrod <johan@cicalapllc.com>, Trey Watkins <Trey.Watkins@formanwatkins.com>, Tanya Ellis <Tanya.Ellis@formanwatkins.com>, Lawrence Deas <Lawrence@listondeas.com>, William Liston III <William@listondeas.com>, Matthew McDonald <MattM@davidnutt.com>, Brandon Bogle <bbogle@levinlaw.com>, Steven Daroci <SDaroci@SeegerWeiss.com>, Tal J Lifshitz <tjl@kttlaw.com>, David Buchanan <DBuchanan@seegerweiss.com>, Benjamin Widlanski <bwidlanski@kttlaw.com>, Mark Pifko <MPifko@baronbudd.com>, vanello@douglasandlondon.com <vanello@douglasandlondon.com>, cmiller@awkolaw.com <cmiller@awkolaw.com>, myeates@ktmc.com <myeates@ktmc.com>, Erich Schork <erichschork@robertslawfirm.us>, Jon Neumann <jneumann@ktmc.com>, Matthew Gately <MFG@njlawfirm.com>, Kelly Rinehart <kellyrinehart@robertslawfirm.us>, Karen Sharp Halbert - Roberts Law Firm, P.A. (<karenhalbert@robertslawfirm.us> <karenhalbert@robertslawfirm.us>)
Cc: Podoll, A. Joshua <APodoll@wc.com>, Hazelwood, Benjamin <BHazelwood@wc.com>, Dockery, Daniel <DDockery@wc.com>, Poteat III, R. Kennon <kpoteat@wc.com>, Suellentrop, Nicholas <nsuellentrop@wc.com>, Gazikas, Alexander <agazikas@wc.com>
Subject: RE: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Counsel,

We are available on Friday, December 6, between 11 am and 12 pm for a meet and confer. If that time works for you, please circulate a link. We are considering your request for search terms and custodians.

Regards,
Lori

Lori Interlicchio

Associate | Williams & Connolly LLP

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From: Josh Wackerly <josh@cicalapllc.com>

Sent: Monday, December 2, 2024 12:45 PM

To: Dockery, Daniel <DDockery@wc.com>; Gazikas, Alexander <agazikas@wc.com>; DeProspero, Atticus <adeprospero@wc.com>; Poteat III, R. Kennon <kpoteat@wc.com>; Interlicchio, Lori <LInterlicchio@wc.com>
Cc: Joanne Cicala <joanne@cicalapllc.com>; Johan Conrod <johan@cicalapllc.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Tanya Ellis <Tanya.Ellis@formanwatkins.com>; Lawrence Deas <Lawrence@listondeas.com>; William Liston III <William@listondeas.com>; Matthew McDonald <MattM@davidnutt.com>; Brandon Bogle <bbogle@levinlaw.com>; Steven Daroci <SDaroci@SeegerWeiss.com>; Tal J Lifshitz <tjl@kttlaw.com>; David Buchanan <DBuchanan@seegerweiss.com>; Benjamin Widlanski <bwidlanski@kttlaw.com>; Mark Pifko <MPifko@baronbudd.com>; vanello@douglasandlondon.com; cmiller@awkolaw.com; myeates@ktmc.com; Erich Schork <erichschork@robertslawfirm.us>; Jon Neumann <jneumann@ktmc.com>; Matthew Gately <MFG@njlawfirm.com>; Kelly Rinehart <kellyrinehart@robertslawfirm.us>; Karen Sharp Halbert - Roberts Law Firm, P.A. (karenhalbert@robertslawfirm.us) <karenhalbert@robertslawfirm.us>
Subject: FW: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Counsel – we would like to meet and confer on your objections and responses to the Plaintiffs’ discovery requests. Please provide times of availability for this week. In addition, prior to the call please provide us with your proposed search terms and custodians.

Regards,

Josh Wackerly



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From: Interlicchio, Lori <LInterlicchio@wc.com>

Date: Wednesday, November 27, 2024 at 6:02 PM

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Subject: In re Insulin Pricing Litigation, No. 2:23-MD-03080-BRM-RLS

Counsel,

Please see the attached Objections and Responses of Caremark Rx, L.L.C., Caremark, L.L.C., and CaremarkPCS Health, L.L.C. to Plaintiffs' Master Set of Requests for Production dated October 28, 2024.

Lori

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